

TESTIMONY ON HOUSE BILL NO. 642

LEE W. SMITH

ANACONDA ALUMINUM COMPANY

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My name is Lee Smith. I am the Technical Operations Manager at the Anaconda Aluminum Company plant at Columbia Falls. I would like to thank you for the opportunity to speak to you today.

I speak in support of Representative Bennett's bill to amend the Montana law applying to ambient air standards.

As most of you know, Montana has been going through a complex rule-making process for adopting new ambient air standards since early 1978. This has been a very lengthy, time-consuming, controversial and expensive procedure. The final result was written into the Montana air quality regulations on July 18, 1980, when the Board of Health adopted the new rules.

At that July 18, 1980 Board of Health meeting, the Board addressed three proposed rules regarding fluoride. Two of these rules were directed at fluoride levels in ambient air. The third rule concerned fluoride levels in forage.

Let me first discuss the proposed ambient air rules. The Department of Health and Environmental Sciences proposed a 24 hour standard (1.0 parts per billion) and a 30 day standard (0.3 parts per billion) to the Board. However, due to actual sampling data presented by industries currently emitting fluorides, the Board decided to defer for one year the adoption of any standards for fluoride in ambient air "due to uncertainties concerning data collection and analysis."

It is these deferred ambient fluoride standards that this bill would prevent from being adopted. These standards are completely unnecessary when there is available to the Department enforceable fluoride emission standards and an enforceable fluoride in forage standard. As described, the present ambient air fluoride standards are unnecessary, meaningless and redundant.

I would like now to mention the fluoride in forage standard. At that same July 18, 1980 Board of Health meeting, the Board adopted a standard of 20 micrograms per gram of fluoride in forage. The units can be confusing so, just remember the number 20. The Department of Health and Environmental Sciences had recommended a monthly average of 50 and a yearly average of 35. The Board overruled the Department's recommendation and adopted a 20 monthly standard.

Anaconda Aluminum and others appealed this newly adopted standard and requested a rehearing, which was denied. Subsequently, we filed suit against the Board and this suit is pending. The Department has been asked by the Board to review this rule and there is a chance that some reconsideration may now be in order.

Anaconda Aluminum feels that a fluoride in forage standard is a legitimate way to regulate ambient fluorides. We are in the process of trying to get reconsideration by the Board concerning the level of fluoride in forage.

We ask the committee's positive action on this bill in order to limit the ambient fluoride rules to controlling fluoride in forage and to prevent the adoption of unnecessary and redundant rules for regulating fluoride in ambient air.

I have attached to this testimony a brief summary of what this bill will do and some anticipated questions and their answers which gives you some additional information.

Thank you for the opportunity to present this information. I urge your support of this bill.